

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO.

\$16,721; U.S. CURRENCY,

Defendant.

VERIFIED COMPLAINT FOR FORFEITURE IN REM

United States of America, plaintiff, files this action for forfeiture against approximately \$16,721, United States currency.

*Nature of the Action*

1. This civil action in rem is being brought to enforce the provisions of 31 U.S.C. § 5317(c) which provides for the civil forfeiture of any property involved in a violation of 31 U.S.C. §5316(a)(1)(B). Under 31 U.S.C. §5316(a)(1)(B) a person shall file a report when that person transports more than \$10,000, United States currency, into the United States.

*Jurisdiction and Venue*

2. This Court has jurisdiction of this action pursuant to 28 U.S.C. §1335.  
3. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1335, 1391(b) and 1395 (a) and (b).

*Defendant in Rem*

4. Defendant property consists of \$16,721, United States currency, more or less, seized from Rolando Pinon on April 6, 2005. Defendant property was seized on land in Brownsville, Texas,

and it is within the Southern District of Texas.

*Facts*

5. On April 6, 2005, Rolando Pinon attempted to enter the United States through the Gateway International Bridge at the Port of Entry of Brownsville, Texas, from the Republic of Mexico. Upon arrival at the port of entry Rolando Pinon told the U.S. Customs and Border Protection Officer that he only had \$30.00 to declare and then he amended his answer to declare \$300.00. A U.S. Customs and Border Protection Officer inspected the vehicle that Rolando Pinon was driving and found more than \$10,000 in United States currency in a plastic bag. Mr. Pinon denied ownership and knowledge of the currency. A subsequent search of Rolando Pinon's wallet revealed that his wallet contained \$1,321.00 in U.S. currency. A total of \$16,821.00 in U.S. currency was recovered from Rolando Pinon and the plastic bag in his vehicle. U.S. Customs and Border Protection Officer returned \$100.00 to Mr. Pinon.

*Claim for Relief*

6. Defendant property constitutes "monetary instruments" pursuant to 31 C.F.R. § 103.11. The Defendant property exceeds \$10,000.00, and was attempted to be transported to a place in the United States from a place outside of the United States, which required a report to be filed pursuant to 31 U.S.C. § 5316(a)(1)(B). A report containing a material omission or misstatement was filed. As a result of the foregoing, Defendant property is liable to condemnation and forfeiture to the United States of America for its use, in accordance with the provisions of 31 U.S.C. § 5317(c)(2) and 31 C.F.R. § 103.

7. Therefore, plaintiff requests:

(A) The issuance of an arrest warrant in rem and summons citing all persons having an interest in Defendant property to appear on the return day of process by filing a claim and answer

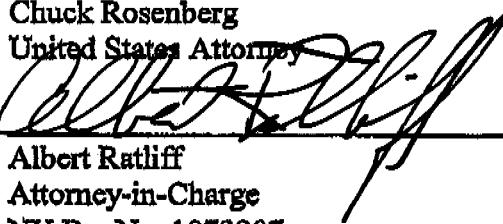
pursuant to Rule C(6), Supplemental Rules for Certain Admiralty and Maritime Claims, or as ordered by this Court,

- (B) A judgment of forfeiture; and
- (C) An award for costs and other relief to which Plaintiff may be entitled.

Respectfully submitted,

Chuck Rosenberg  
United States Attorney

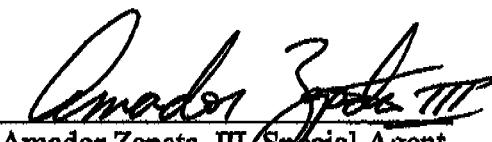
By:

  
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VERIFICATION

I, Amador Zapata, III, Special Agent, United States Immigration and Customs Enforcement, declare under penalty of perjury as provided by 28 U.S.C. §1746 that I have read the foregoing Verified Complaint for Civil Forfeiture in Rem, and that the facts stated therein are based upon my personal knowledge or from information obtained in the course of my investigation and are true and correct to the best of my knowledge and belief.

Executed on August 1, 2005.

  
Amador Zapata, III, Special Agent  
United States Customs and Border Protection